



GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES

Forensic Genetic Genealogical DNA Analysis and Search (FGGS)

Data Definitions and Reporting Guide

This *Forensic Genetic Genealogical DNA Analysis and Search (FGGS): Data Definitions and Reporting Guide* provides guidance on the submission of information regarding requests for forensic genetic genealogical analysis, as required by Chapters 681 and 682 of 2021. Created with input from key stakeholders - police agencies, state's attorneys, crime laboratory personnel, advocates, etc. - and sponsors of the bill, this guide serves to identify the reporting requirements, a definition for each required data element, and instruction on the submission of all requests of forensic genetic genealogical DNA analysis and search information. **To quickly access one of these areas, please select from the following list.**

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Introduction

Chapters 681 and 682 of 2021 establishes requirements and procedures for forensic genetic genealogical DNA analysis and related searches of publicly accessible databases using genetic profiles; and includes provisions regarding regulation and oversight of testing connected to this analysis and direct-to-consumer genetic genealogy services.¹ It also requires the Governor's Office of Crime Prevention, Youth, and Victim Services² (Office) to prepare and submit an annual report regarding requests for forensic genetic genealogical analysis and engage with a panel of stakeholders tasked to review the report each year and make policy recommendations. Specifically, and in accordance with § 17-105 of the Criminal Procedure Article, the Office must submit a publicly available report on requests for forensic genetic genealogical DNA analysis and search (FGGS), for the preceding calendar year, to the Governor and the General Assembly by June 1 of each year, as it relates to the following:

1. The number of requests for FGGS made, broken down by number of request made by prosecutors, pre-trial defendants, and post-conviction defendants;
2. The number of times FGGS was granted and the basis of each grant or denial;
3. The number of putative perpetrators identified through FGGS;
4. The number of covert collections of reference samples from putative perpetrators, a description of the methods used during the covert collection, the time period needed to perform the covert collection, any complaints from individuals subject to surveillance during the covert collections, and any complaints or suggestions from judges supervising the covert collections;
5. An evaluation of the "pursued reasonable investigative leads" requirement in accordance with § 17-102(b)(4) of this title, including scientific, public, and non forensic;
6. The costs of the FGGS procedures;
7. The race and age of those identified as putative perpetrators;
8. The number of times a third party reference sample was requested and collected, and the race and age of the third parties;
9. The number of requests made by defendants and post conviction lawyers; and
10. The outcome of each authorized search, including whether the search resulted in an arrest or a conviction for the target offense.

¹ Maryland General Assembly. (2021). *Chapters 681 and 682 (House Bill 240/Senate Bill 187), Criminal Procedure - Forensic Genetic Genealogical DNA Analysis, Searching, Regulation, and Oversight*.

² Maryland General Assembly. (2020). *Chapter 11, Acts of 2020*. In March 2020, the Governor's Office of Crime Control and Prevention was renamed the Governor's Office of Crime Prevention, Youth, and Victim Services.

Data Definitions

The following definitions must be used when submitting information regarding requests for forensic genetic genealogical analysis:³

Direct-to-consumer genetic genealogy services means genetic genealogy services that are offered by private companies directly to members of the public and law enforcement agencies rather than through clinical health care providers, typically via customer access to secure online websites.

FGG profile means a genetic profile using SNPs or other sequencing methods generated from a forensic or reference sample by a laboratory for the purpose of conducting an FGGS.

Forensic genetic genealogical DNA analysis and search or **FGGS** means:

1. The forensic genetic genealogical DNA analysis of biological material using SNP or other sequencing techniques to develop an FGG profile;
2. A subsequent search using the FGG profile in a publicly available open-data personal genomics database or a direct-to-consumer genetic genealogy service to find individuals related to the source of the FGG profile; and
3. A genealogical search using public records and other lawful means to obtain information in accordance with this title.

Putative perpetrator means one or more criminal actors reasonably believed by investigators to have committed the crime under investigation and to be the source of, or a contributor to, a forensic sample deposited during or incident to the commission of a crime.

Reasonable investigative leads means credible, case-specific facts, information, or circumstances that would lead a reasonably cautious investigator to believe that the pursuit would have a fair probability of identifying a putative perpetrator.

Reporting Guide

All requests for FGGS information can be entered into the *Forensic Genetic Genealogical DNA Analysis and Search (FGGS) Reporting Template* excel spreadsheet which includes the data elements required by Chapters 681 and 682 of 2021. A description of the data elements, to include the available selections for each, is provided below.

#1. The number of requests for FGGS made, broken down by number of requests made by prosecutors, pre-trial defendants, and post-conviction defendants.

³ Maryland General Assembly. [*Chapter 681 of 2021 \(House Bill 240\). Criminal Procedure - Forensic Genetic Genealogical DNA Analysis. Searching, Regulation, and Oversight.*](#)

Unique case number: A unique case number must be provided for each request made during the reporting period.

Request type: Select the request type, based on the following options:

- Prosecutor
- Defense attorney (pre-trial)
- Defense attorney (post-conviction)

#2. The number of times FGGS was granted and the basis of each grant or denial.

FGGS status: Select the most appropriate status, based on the following options:

- Granted
- Denied
- Pending

Granted reason: Enter a granted reason in the open text field.

Denied reason: Enter a denied reason in the open text field. This would likely occur only if one of the pre-conditions was not accounted for.

#3. The number of putative perpetrators identified through FGGS.

Putative perpetrator: Use the “dropdown” menu to select the number of putative perpetrators identified. If none were identified, select 0.

- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10+

#4. The number of covert collections of reference samples from putative perpetrators, a description of the methods used during the covert collection, the time period needed to perform the covert collection, any complaints from individuals subject to surveillance during the covert collections, and any complaints or suggestions from judges supervising the covert collections.

Covert collection: Enter the number of covert collections of reference samples from putative perpetrators.

Methods: Provide a description of the methods used during the covert collection.

Covert collection request date: Provide the date in which the covert collection was requested.

Covert collection completion date: Provide the date in which the covert collection was completed.

Individual complaints: Provide the number of complaints from individuals subject to surveillance during the covert collections.

Judge complaints or suggestions: Provide the number of complaints or suggestions from judges supervising the covert collections.

#5. An evaluation of the “pursued investigative leads” requirement in accordance with 17-102(b)(4) of this title including scientific, public, and non forensic.

Unless the crime being investigated presents an ongoing threat to public safety or national security concerns, reasonable investigative leads have been pursued and failed to identify the perpetrator.

Pursued investigative leads requirement: Use the “dropdown” menu to select a response.

- Yes
- No

Summary of investigative leads: Provide a summary of the investigative leads that occurred prior to the FGGS.

#6. The costs of FGGS procedures.

Cost: Provide the cost of FGGS procedures, in dollars.

Cost to outsource: Provide the cost, in dollars, to outsource FGGS procedures.

Funds to cover cost: Identify if general funds and/or grant funds are used to cover the cost to outsource FGGS procedures.

#7. The race and age of those identified as putative perpetrators.

Race: Use the “dropdown” menu to select the race of the putative perpetrator:

- American Indian or Alaskan Native

- Asian
- Black
- Latino/Hispanic
- Native Hawaiian/Pacific Islander
- White
- Other

Age: Provide the numeric age of the putative perpetrator.

Because some elements may not be known, mandatory fields are not applied to this section.

#8. The number of times a third party reference sample was requested and collected and the race and age of the third parties.

Third party reference: Provide the third party reference in the open text field.

Race: Use the “dropdown” menu to select the race of the third party:

- American Indian or Alaskan Native
- Asian
- Black
- Latino/Hispanic
- Native Hawaiian/Pacific Islander
- White
- Other

Age: Provide the numeric age of the third party.

Please note that requests should be kept separate.

~~#9. The number of requests made by defendants and post conviction lawyers~~

Please note that data element #1 encompasses data element #9 and therefore this element is not needed.

#10. The outcome of each authorized search, including whether the search resulted in an arrest or a conviction for the target offense.

Arrest: Use the “dropdown” menu to select whether the search resulted in an arrest for the target offense:

- Yes
- No
- Pending

Please note that pending may refer to a warrant served.

Conviction: Use the “dropdown” menu to select whether the search resulted in an conviction for the target offense:

- Yes
- No